

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30-06-2015

CORAM:

THE HONIOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P.No.15583 of 2015

V. Sekar (M) 58 years

S/o. Mr. Venugopal Mudaliar

Plot No.71, Door No.6, Pugazhendi Street

Durga Nagar, Tambaram Sanatorium

Chennai - 47

...Petitioner/3rd Accused

Vs.

1. The State by
The Sub-Inspector of Police
Land Grabbing Special Cell - II
Central Crime Branch - II
Egmore, Chennai - 7

2. Mr.P. Natarajan ...Respondents/Defacto Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure calling for the records of the First Information Report registered in Crime No.136 of 2014 on the file of the Sub-Inspector of Police, Land Grabbing Special Cell - II, Central Crime Branch - II, Egmore, Chennai - 7.

For petitioner : Mr. J. Ravindran

For respondents : Mr. C. Emalias,
Addl. Public Prosecutor

ORDER

On a complaint lodged by one Natarajan, the respondent- Police registered a case in Crime No.136 of 2014 on 03-09-2014 for offences under Sections 419, 420, 465, 468, 471, 447 r/w 120 (B) IPC against four accused. During the course of investigation, the respondent-Police arrested the petitioner and other accused. The petitioner (A3) and A4 were released on bail.

2. Now, it appears that this petitioner and the defacto complainant have amicably settled the issues among themselves and they are now seeking to quash the FIR as against this petitioner

alone. The defacto complainant has also filed an affidavit consenting to the quashment of the FIR vis-a-vis this petitioner alone. But he has objected to the quashing of the entire FIR as against the other accused. Thus, he has given piecemeal consent for quashing of the FIR. The respondent-Police have filed a counter and the relevant portion is extracted hereunder:

"5. It is submitted that on 22.9.2014 at about 7.00 a.m., I have arrested the accused Sekar (A-3) & Thiagarajan (A-4) at their residence and recorded their confession in the presence of witnesses Tr.Balaji, Tr. Venkatraman and also seized copies of the fake sale deed doc.no.2981/2001, 434/2002 by way of seizure mahazar in the presence of the above said witnesses. A-3 & A-4 admitted this case offence and their confession reveals that A-3 & A-4 approached A-2 to grab the defacto complainant's property and A-2 impersonated Natarajan and based on that created fake documents and through the fake documents fraudulently sold the defacto complainant's property.

6. ...

7. It is submitted that at this stage, the petitioner/accused (A-3) filed this present petition to quash the above case in Crime No.136/2014 pending on the file of the respondent police is only to drag on the investigation proceedings and also escape from the clutches of law. "

When there is a charge of conspiracy and impersonation, the defacto complainant cannot enter into a private treaty with one of the accused for quashing the FIR.

3. Under such circumstances, this petition is dismissed with a direction to the respondent-Police to expeditiously conduct the investigation in Crime No.136 of 2015 and file a final report, in accordance with law.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

glp

To

The Sub-Inspector of Police
Land Grabbing Special Cell - II
Central Crime Branch - II
Egmore, Chennai - 7

1 CC to Mr. J. Ravindran, Advocate SR.No. 33041

CRL.O.P.No.15583 of 2015

SR (CO)
PSI (13.07.2015)



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